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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
 Magee, et al.)
)
Application No.: 09/778,604) Art Unit 3694
)
Confirmation No.: 4603)
)
Filed: February 7, 2001) Patent Examiner
) Daniel Greene
Title: Automated Financial Transaction)
 Apparatus With Interface That)
 Adjusts To The User)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, Patrick C. Green, hereby declare as follows:

1. I am a former employee of Diebold, Incorporated and/or InterBold, a wholly owned subsidiary of Diebold, Incorporated (collectively referred to hereafter as "Diebold"). I was employed by Diebold as an engineer and engineering manager in the development of automated financial transaction apparatuses and also the associated hardware and software therefor. I retired from Diebold in 2007. I began working in the automated financial transaction apparatus industry in approximately 1974. I am familiar with the aspects of automated financial transaction apparatus with regard to their functionality, operation, communication, control, and applications.
2. It is my understanding that the present application was filed February 7, 2001 and claims entitlement to an earlier application filed February 10, 2000.
3. Based on my knowledge and experience, a person having ordinary skill in the art of automated financial transaction apparatuses at the time of February 10, 2000 and/or February 7, 2001 (hereinafter a "person having ordinary skill in the art") would have had a four-year college degree in engineering, such as mechanical or electrical engineering, and would have had at least four years of experience in designing automated financial transaction apparatuses (or equivalent years of working experience in their design).
4. I reviewed the disclosures of the documents to Drummond (WO/1998/024041), Larkin (US 5,765,910), and Vance (US 6,131,874). I have also considered the combined disclosures of these documents.

5. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of these documents a teaching, suggestion, motivation, or valid reason to have produced a method that comprises:

storing in at least one data store in operative connection with at least one computer, data corresponding to a plurality of users, wherein the data associates each respective one of the plurality of users with at least one characteristic feature and at least one interface parameter; sensing with a reading device in operative connection with an automated financial transaction apparatus, at least one characteristic feature of a user adjacent to the automated financial transaction apparatus; determining from the at least one data store through operation of the at least one computer responsive to the at least one characteristic feature sensed, the at least one interface parameter associated with the user in the at least one data store; and moving through operation of the at least one computer, a display screen of the automated financial transaction apparatus with a moving device responsive to the at least one interface parameter determined.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of the documents and the above noted method.

6. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of these documents a teaching, suggestion, motivation, or valid reason to have produced a first apparatus that comprises:

at least one data store, wherein the at least one data store has stored therein, data corresponding to a plurality of users, wherein the data associates each respective one of the plurality of users with at least one characteristic feature and at least one interface parameter, a reading device in operative connection with an automated financial transaction apparatus including a display screen, wherein the reading device is operative to sense at least one characteristic feature of a user adjacent to the automated financial transaction apparatus,

at least one computer,

wherein the at least one computer is in operative connection with the at least one data store,

wherein the at least one computer, responsive to the at least one characteristic feature of a user sensed by the reading device, is operative to determine from the at least one data store, the at least one interface parameter associated with the user in the at least one data store, and

wherein the at least one computer is operative to cause the display screen to be moved with a moving device responsive to the at least one interface parameter determined from the at least one data store.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of the documents and the above noted first apparatus.

7. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of these documents a teaching, suggestion, motivation, or valid reason to have produced a second apparatus that comprises:

a reading device operative to sense at least one characteristic feature associated with each of a plurality of users;

a movably mounted display screen;

a movement mechanism in operative connection with the display screen;

a computer in operative connection with a data store, the computer also in operative connection with the reading device and the movement mechanism, wherein the data store includes data corresponding to a plurality of characteristic features, wherein at least one of the characteristic features corresponds to at least one of the plurality of users, and for each one of the characteristic features at least one associated interface parameter, wherein the interface parameter corresponds to a position of the display screen;

wherein the computer is operative responsive to the reading device sensing a first characteristic feature corresponding to one of the plurality of users, to cause the movement mechanism to move the display screen to a position corresponding to an interface parameter associated in the data store with the first characteristic feature.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of the documents and the above noted second apparatus.

8. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of these documents a teaching, suggestion, motivation, or valid reason to have produced a third apparatus that comprises:

a device operative to receive data indicative of at least one characteristic feature corresponding to a user;

a display screen;

at least one computer in operative connection with at least one data store, wherein the data store includes data representative of a plurality of characteristic features, and for each characteristic feature, a corresponding user and at least one interface parameter, and wherein the computer is operative responsive to the device receiving data indicative of at least one first user characteristic feature, to determine data corresponding to a first user and at least one first user interface parameter, and to cause the display screen to selectively either operate or not operate responsive to the at least one first user interface parameter.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of the documents and the above noted third apparatus.

9. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of these documents a teaching, suggestion, motivation, or valid reason to have produced a fourth apparatus that comprises:

a display screen,
at least one computer,
wherein the at least one computer is operative to permit an authorized user to carry out a transaction,
wherein the at least one computer is operative to cause to be determined for each respective one of a plurality of authorized users, a respective display screen position correlated in at least one data store with the respective authorized user, and
wherein the at least one computer is operative to cause the display screen to be moved to a determined display screen position.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of the documents and the above noted fourth apparatus.

10. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of the documents, any rationale to produce the above noted method, first apparatus, second apparatus, third apparatus, or fourth apparatus by: combining elements according to known methods to yield predictable results; simple substitution of one known element for another to obtain predictable results; use of known techniques to improve similar devices in the same way; applying known techniques to a known device ready for improvement to yield predictable results; choosing from a finite number of identified, predictable solutions, each with a reasonable expectation of success; known work in one field of endeavor prompting variations of such known work for use in either the same field or a different field based on design incentives or other

market forces in a case where the variations would have been predictable to the person having ordinary skill in the art; or some motivation from the respective combined disclosures that would have led the person having ordinary skill in the art to have arrived at the respective above noted method or apparatuses.

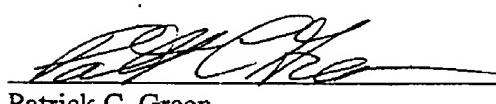
11. In conclusion, it would *not* have been obvious to the person having ordinary skill in the art, having full view of the documents, to have produced the above noted method, first apparatus, second apparatus, third apparatus, or fourth apparatus.

12. In addition, the person of ordinary skill in the art would consider the combined art (Drummond, Larkin, and Vance) to be inoperative and non-enabling with respect to the subject matter of the above noted method, first apparatus, second apparatus, third apparatus, or fourth apparatus. The person of ordinary skill in the art could not make or use the subject matter of the above noted method and apparatuses from the documents (even if coupled with information known in the art) without undue experimentation.

Nowhere does Drummond, Larkin, and Vance provide any enabling disclosure which would enable a person of ordinary skill in the art to produce the above noted method and apparatuses. Nor would the above noted method and apparatuses be predictable from Drummond, Larkin, and Vance to a person of ordinary skill in the art. The combination of documents does not enable the above noted method and apparatuses.

The features of Drummond, Larkin, and Vance combined with the knowledge of the person of ordinary skill in the art still would not enable the above noted method and apparatuses. The combination of features in the documents would not produce an enabled form of what is specified in the above noted method, first apparatus, second apparatus, third apparatus, or fourth apparatus to the person of ordinary skill in the art.

13. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.



Patrick C. Green

May 27, 2009

Date